

Olsen, Roger PhD 2/2/2008 9:03:00 AM

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF OKLAHOMA

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W. A. DREW EDMONDSON, in his)
5 capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
6 OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
7 in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
8 FOR THE STATE OF OKLAHOMA,)

)
9 Plaintiff,)

)
10 vs.)4:05-CV-00329-TCK-SAJ

)
11 TYSON FOODS, INC., et al,)

)
12 Defendants.)

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14 THE VIDEOTAPED DEPOSITION OF
15 ROGER OLSEN, PhD, produced as a witness on behalf
16 of the Defendants in the above styled and numbered
17 cause, taken on the 2nd day of February, 2008, in
18 the City of Tulsa, County of Tulsa, State of
19 Oklahoma, before me, Lisa A. Steinmeyer, a Certified
20 Shorthand Reporter, duly certified under and by
21 virtue of the laws of the State of Oklahoma.

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1 DIRECT EXAMINATION

2 BY MS. SOUTHERLAND:

3 Q Sir, if I understood your testimony earlier
4 correctly, you indicated that you took samples from
5 each of the -- from a location operated by each of 06:09PM
6 the defendants or that was a grower who was under
7 contract to each of the defendants; is that correct?

8 A Except for Willow Brook and Cal-Maine.

9 Q I remember that you made that exception
10 earlier, yes. 06:10PM

11 A Typically there's just not one. There's --
12 depending on how many we could get access to,
13 there's multiple.

14 Q Okay.

15 A There's 18 samples in all. 06:10PM

16 Q Of those 18, do you recall if any of them were
17 taken from growers who were under contract to a
18 Cargill entity?

19 A Yes, we did.

20 Q And do you understand -- well, let me ask it a 06:10PM
21 different way. What is your belief with respect to
22 the types of birds that are being grown by contract
23 growers who are affiliated or under contract with
24 Cargill?

25 A If I remember correctly, those are all 06:10PM

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1 turkeys.

2 Q And when you did the litter sample analysis
3 from those growers who were growing turkeys as
4 opposed to chickens, was the analysis or the results
5 of the analysis, were they different? 06:10PM

6 A They were somewhat different. I'd have to go
7 back and look for sure, but that's one of the things
8 I looked at, and you know, frankly, that's why we do
9 so many components, so if there's a difference in
10 just a few of the parameters, like arsenic or 06:11PM
11 something -- I think yours was actually the highest
12 in arsenic, yeah, so it wasn't arsenic.

13 Q I object to the -- it's non-responsive. I
14 didn't ask you that yet.

15 A I was just trying to go through and remember. 06:11PM
16 There were some differences but, again, that's kind
17 of why we do the complete analysis, and so that if
18 there's only a few parameters that are different, it
19 still creates, in my opinion, a valid score.

20 Q So the answer to my question was that there 06:11PM
21 were in fact differences in the concentrations of
22 the constituents that you were looking at between
23 turkey manure and chicken manure?

24 A There's always minor differences, but overall
25 the majority of the parameters were in the same -- 06:11PM

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1 they're the same parameters, you know, and they have
2 a spread of concentration. Of course, they always
3 have different concentrations, but overall, in my
4 opinion, it still created a valid score.

5 Q Is it your testimony that the constituents 06:12PM
6 were identical?

7 A The constituents?

8 Q Yes, sir.

9 A Or the concentrations?

10 Q No. Just the constituents. 06:12PM

11 A I'd have to look at that and see.

12 Q So as we sit here today, you cannot tell me
13 the constituents were identical?

14 MR. PAGE: Object to the form.

15 A We analyzed all the same constituents in all 06:12PM
16 of them, and there may be some minor ones that
17 weren't detected or we detected, but overall it was
18 pretty similar as far as the constituents detected.
19 I can't remember the minor differences.

20 Q Do you agree with me that similar and 06:12PM
21 identical do not have the same definitions in the
22 English language?

23 MR. PAGE: Object to the form.

24 A I cannot tell you as of this moment that they
25 -- all the same chemical parameters were identified 06:12PM

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1 in a Cargill sample as someone else's samples

2 without looking at the analysis.

3 Q Okay. So for purposes of doing your analysis,

4 you took things that were not completely identical

5 and you lumped them together; is that correct? 06:13PM

6 MR. PAGE: Object to the form.

7 A Nothing is ever identical.

8 Q Okay.

9 A And that's what PCA does, its sort out the

10 score, and that's why I analyze 25 parameters. I 06:13PM

11 analyze 50 parameters.

12 Q But in any one of those analysis that you have

13 done, you cannot -- you've used this terminology so

14 I will use it, too. You could not tease out the

15 distinction between the chicken and the turkey 06:13PM

16 manure in your end result PCA analysis?

17 A I haven't been asked to do that. I have not

18 done that.

19 Q Okay. So with respect to any one of those

20 analysis, you couldn't point me to a sample that you 06:13PM

21 incorporated into your analysis that was a turkey

22 sample as opposed to a chicken sample?

23 A Yes. That's all in the sediment runs we make,

24 and we have soils from your sample. So it would be

25 in the sample, in -- 06:14PM